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CLERK OF U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 CARL PHILLIPS, individually, and on behalf
of all others similarly situated,

12 Plaintiff,

13 v.

14 SEARS, ROEBUCK AND COMPANY;
15 DEERE & COMPANY; TECUMSEH
16 PRODUCTS COMPANY; PLATINUM
EQUITY, LLC; BRIGGS & STRATTON
17 CORPORATION; KAWASAKI MOTORS
CORP. USA.; MTD PRODUCTS INC; THE
18 TORO COMPANY; AMERICAN HONDA
MOTOR COMPANY, INC.; ELECTROLUX
19 HOME PRODUCTS, INC.; HUSQVARNA
OUTDOOR PRODUCTS, INC.; and THE
20 KOHLER COMPANY,

21 Defendants.

Case No.

CLASS ACTION

**DECLARATION OF ERIC B.
FASTIFF IN SUPPORT OF
COMPLAINT FOR DAMAGES FOR
DECEPTIVE BUSINESS PRACTICES**

22
23 I, Eric B. Fastiff, under penalty of perjury, do hereby state as follows:

24 1. I am one of the counsel for Plaintiff Carl Phillips and the proposed Class in
25 the above-entitled action. This Declaration, which is based on information and belief of the facts
26 stated herein, is submitted in support of the Class Action Complaint filed concurrently herewith.
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28

2. Mr. Phillips brings this action for money damages, equitable relief and restitution on behalf of himself and all similarly-situated individuals and entities who were harmed by the practices described in the complaint.

3. A substantial portion of the conduct at issue in this litigation and as more fully described in the Complaint occurred within the Northern District of California and, more specifically, in San Francisco County, California, as the Defendants conduct business in San Francisco and engaged in the actions complained of in the Complaint in San Francisco.

I declare that the foregoing is true and correct. Executed in San Francisco,
California on May 28, 2008.


ERIC B. FASTIFF